

REMARKS

Claims 1-22 are pending. Claims 1-22 have been rejected.

35 U.S.C. § 102(b)

Claims 1-20 and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Backstrom et al. (U.S. 5,903,851). Applicants respectfully traverse the rejection.

Claim 1 of the Applicants' claimed invention recites, *inter alia*, "establishing at least first and second communication connections in at least a first wireless communication device." The Applicants would like to emphasize that both the at least first and second communication connections are established in at least a first wireless communication device in the Applicants' claimed invention.

This is in contrast to Backstrom et al. where as shown in Figure 3, in step 70, a first circuit connection is established. Then in step 105, the active connection is released and in step 110, a new connection is setup. The Applicants would like to respectfully emphasize to the Examiner that this is in direct contrast to the Applicants' establishment of at least a first and second communication connection without requiring the release of a connection and setup of a new one as shown in Figure 3 of Backstrom et al.

In other words, in Backstrom et al., at any given time there is only one connection established. The existing active connection must be released and a new one is then set up. This is direct contrast to the Applicants claimed invention wherein at least a first and second communication connection is established.

Also the Applicants would like to clarify that step 90 of Figure 3 of Backstrom et al. specifically refers to receiving a second circuit connection request and **does not** establish a

second connection as stated by the Examiner in the Office Action. Receiving a second circuit connection request is not the same thing as establishing a second communication.

Therefore, for at least these reasons, it is respectfully submitted that the rejection be withdrawn and that claim 1 be allowed.

Claims 2-6 are dependent claims that depend upon independent claim 1 and should be allowed for at least the same reasons presented above regarding claim 1 as well as the additionally recited features found in these claims.

Claim 7 of the Applicants' claimed invention recites, *inter alia*, at least a first application running in a socket mode and at least a second application running in socket mode.

The Office Action asserts that the at least a first application running in a socket mode is shown in Figure step 190 of Backstrom et al. Applicants respectfully submit that this is an improper characterization of the applied reference. In column 5, lines 16 to 18 of Backstrom et al. states that "Data communications 190 may then be carried out between the data terminal equipment 10 and application host 65 via the reestablished connection." There is no teaching or suggestion of at least a first and second application running in a socket mode as claimed by the Applicants.

Therefore, for at least these reasons it is respectfully requested that the rejection be withdrawn and that claim 7 be allowed.

Claims 8-14 are dependent claims that depend upon independent claim 7 and should be allowed for at least the same reasons presented above regarding claim 7 as well as the additionally recited features found in these claims.

Claim 16 of the Applicants' claimed invention recites a means for associating at least a first idle period with a first connection, a means for associating at least a second idle period with

a second connection, a wireless traffic channel being established to both connections and a means for releasing the traffic channel when the idle periods expire.

The Office Action asserts that the means for associating at least a first idle period with a first connection is shown in Figure 3, steps 70-80 of Backstrom et al. Applicants respectfully submit that this is an improper characterization of the applied reference. In step 70 a first circuit connection is established. In step 75, interconnecting with the IWU (internetworking unit) is shown. In step 80, there is a detection of a period of inactivity.

In other words, in Backstrom et al. there is only one connection at any given time. In order for a new connection to be setup (step 110), the currently active connection must be released (step 105).

This is in direct contrast to the Applicants' claimed invention where there are at least two connections at the same time and wherein the wireless traffic channel being establishable to both connections.

Therefore, for at least these reasons it is respectfully submitted that the rejection be withdrawn and that claim 16 be allowed.

Claims 17-20 are dependent claims that depend upon independent claim 16 and should be allowed for at least the same reasons presented above regarding claim 16 as well as the additionally recited features found in these claims.

Claim 22 of the Applicants' claimed invention recites a method for managing a traffic channel associated with a wireless communication device and plural connections selected from the group of connections including socket connections and packet connections. The method includes enabling a traffic channel associated with plural applications to be released only when all applications associated with the traffic channel do not require the traffic channel.

The Examiner asserts that the features of claim 22 are inherently disclosed in Backstrom et al. As stated in MPEP § 2112, "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

Therefore, the Applicants respectfully submit that the mere illustration of a data communications connection in Backstrom et al. is not sufficient to illustrate inherency. Further in col. 4, lines 40-48, Backstrom et al., a long timer established by the operator may disconnect the modem connection if no traffic has been exchanged for a preselected period of time is disclosed. The Applicants would like the Examiner to note that the timer is established by the operator and the time must be preselected.

This is in contrast to the Applicants' claimed invention where the traffic channel associated with plural applications is released only when all applications associated with the traffic channel do not require the traffic channel. The Applicants claimed invention **does not require** an operator established time nor does it require the preselection of the time.

Therefore, for at least these reasons, it is respectfully submitted that the rejection be withdrawn and that claim 22 be allowed.

35 U.S.C. § 103(a)

Claim 21 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Backstrom et al. in view of Motoyoshi (U.S. Patent No. 6,801,785). Applicants respectfully traverse the rejection.

Claim 21 is a dependent claim that depends upon independent claim 16 and should be allowed for at least the same reasons presented above regarding claim 16 as well as the additionally recited features found in these claims. The application of Motoyoshi as a secondary reference does not cure the deficiencies of the primary reference Backstrom et al.

Therefore, for at least these reasons, it is respectfully submitted that the rejection be withdrawn and that claim 21 be allowed.

CONCLUSION


In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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